MINUTES OF REGULAR MEETING
BASTROP CITY COUNCIL
APRIL 14, 2015

The Bastrop City Council met in a Regular Meeting on Tuesday, April 14, 2015 at 6:30 PM at the Bastrop City Hall Council Chambers, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, and Council Members, Kay Garcia McAnally, Dock Jackson, Willie DeLaRosa and Kelly Gilleland. Council Member Joe Beal was absent.

ANNOUNCEMENTS

1. Call to Order

At 6:30 PM Mayor Ken Kesselus called the meeting to order with a quorum being present.

2. Pledge of Allegiance and Invocation

City Attorney JC Brown led the pledges of allegiance to the U.S. and Texas Flags. Reverend Ben Hitzfeld led the invocation.

3. Presentations

Bastrop Student Character Education "Self-Discipline": by Justin Chute, Bastrop Middle School.

Mayor Kesselus took a moment to introduce Mr. Shawn Kirkpatrick, Bastrop Economic Development Corporation Director to the Council. Mayor Kesselus stated that he was looking forward to working with him and welcomed him to Bastrop. City Manager Talbot stated that Mr. Kirkpatrick was a dynamic individual and looks forward to working with him and stated that Mr. Kirkpatrick would need to decide how he would like to present and/or report EDC activities to the Council. Mr. Kirkpatrick thanked the Council and City Manager and said he was looking forward to getting to work.

4. Proclamations

There were no proclamations.

5. Announcements

Mayor Kesselus announced that Mr. Beal would not be in attendance at the meeting.
Ms. Gilleland invited the Council to attend the Job Fair Pre Event on April 21, 2015 at the Convention Center. Ms. Gilleland provided an invitation to the actual event and stated that the planning was going very well and many companies have signed up to participate. Mayor Kesselus thanked Ms. Gilleland for her initiative on this project.

6. Citizen Comments:

1) Ellen Wright stated that the YMCA needs more room for large classes.
2) Theresa Ivy spoke on behalf of the Family Crisis Center about Sexual Assault Awareness Month. She presented the Council with a ribbon. Dock Jackson thanked her for coming and stated he was glad to see the ribbons.
3. Bobby Meredith spoke regarding the unopened part of Spring Street on behalf of his 80 year old grandmother. He stated that after the Church located at 1902 built a fence that it made her property non accessible. Dock Jackson completed a conflict of interest form as he owns property in the area. Mr. Talbot gave a thorough explanation of the attachments in his city managers report and explained that after extensive research on the part of the City, that the land is basically land locked and that the matter is a private civil matter between the two property owners and the City has no authority or roll in this matter. The Council discussed various possible remedies. CM Talbot explained that to open the remainder of Spring Street would be an enormous cost to the City. Mayor Kesselus explained to Mr. Meredith that the Council has received good advice from the City Manager and City Attorney and the permit for the fence was legitimate. Mayor Kesselus asked CM Talbot if it was possible to have a grass street. CM Talbot explained that a dirt street would create a liability. Basically in a storm event it could become impassable. Council member McAnally asked if there is a legal case pending on this property to determine if the property is landlocked and is it correct to give a permit to build a fence if this is the case. CM Talbot stated to our knowledge there is no case pending at this time. Page 24 of my report shows the legally recorded survey that we have to work from and there is nothing else at the Court House to base our decision. This is a legally platted lot and recorded at Court House and if we deny the permit the City would be held liable. Mayor Kesselus asked the CM Talbot review and provide evaluation into the opening of Spring Street and bring back a report to Council. CM Talbot also discussed this during presentation of CM Report.

CITY MANAGER INFORMATIONAL UPDATE REPORT: Items for update, discussion and possible action:

I. Meeting and Events Attended:
   A. Special City Council Meeting March 31, 2015
   B. Monthly Board Meeting of the Zoning Board of Adjustments April 1, 2015

II. Update on City Projects and Issues:
   A. Discussion and Review of Water Usage for the period of April 1, 2015 through April 12, 2015
   B. Update on the Long Term Water Supply
   C. Update on the AMI Project
   D. Discussion and Review regarding the un-opened portion of Spring Street east of Mr. CP Johnson Property
   E. Update on the area north of the Rail Road Tracks between SH 95 and Carter Street
   F. Update on Comprehensive Plan
   G. Update on RFP for Solid Waste Services
   H. Update on the CBD Parking/Traffic Study.
   I. Update on the bids for the Reconstruction of Farm Street
   J. Update on the Water Reuse Project/Dirty Water Calls
   K. Update on Water Filtration Project
   L. Update on Critical Infrastructure Needs of the City
   M. Changing Bastrop Art in Public Places from a "Task Force" to a "Board or Commission"
   N. Update on "Quiet Zone"
   O. Next Utility Meeting of the City Council
   P. Items potentially scheduled to be discussed at the April 28, 2015 Council Meeting
   Q. The Noon Whistle

III. Other City Activities:

1. Convention Center Activities
2. Main Street Program
3. Planning Department – Inspection Report
4. YMCA Activities

Inviting input from Council related to issues for possible inclusion on future agenda's related to issues for possible inclusion on future agendas, related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

Item II B. CM Talbot suggested to the Council that they attend the LPGCD hearing on our permit on April 29, 2015. Mr. Talbot also shared that the Texas Wildlife Fish and Game sent a letter to the city stating that it does not have to create a mitigation plan as long as we stay within the construction plan we created for the Ingram Well Site which is great news!

Item II, E. Based up citizens group that was present during the last Council meeting we are evaluating all the issues they brought to our attention regarding the north side of town. Chief Adcock has identified two structures in that area and this Saturday we are planning a cleanup day on these properties and the Council is welcome to attend. Mayor Kesselus inquired about property owned by the City which currently has a lift station on it and is located at Linden and Main. Would it be possible if piece of the property to the right of lift station might be available/used for a community center (leased to group) and if possible the property to the left side be used by Bastrop Community Cares to build a shelter for the students who wait on the school bus. Mayor Kesselus asked CM Talbot to check into these two items. Ms. Gilliland asked if the school district has any input if we were to build a bus shelter. Mayor Kesselus stated that Mr. Bill Ennis who is on the P&Z Commission had spoken with Chair, Lisa Patterson, and they agreed with the suggestion that we ask the Form Based Code Task Force to stay together and take a look at the North area and see if there is anything related to the Ordinance that might help improve that area. Mayor asked CM if he could speak to the staff and get their ideas on it. CM Talbot agreed and would like to schedule a meeting with the Task Force. The Mayor felt that if the Council agrees than the CM should move forward.

Item II, J The dirty water calls from Hunters Crossing were a result of a construction truck filling up with water without seeking the City's permission which caused the problem. They were fined significantly for tapping a fire hydrant without seeking authority/permission from the City. But overall looking at the last 6 months dirty water calls have gone down significantly. The only time they have risen over the past few months was due to a fire on Pecan Street. The CM also stated that we are now recognized by TCEQ as 1 of 3 Texas cities that is a reuse water city. Construction meters as they come down will now be getting their water from the wastewater treatment plant.

Item II, M Ms. JC Brown, city attorney and I have been working closely in preparing an ordinance to take the BAIPP Task Force to a full City Board.

Item II, N In working on the Quite Zone project we are in the process of putting a meeting together with City Officials, BEFCO, TxDot and Union Pacific. This is the first step of a long process.

Item II, O Just a reminder we are moving the Utility Meeting to May 19, 2015.

Item II, Q CM Talbot stated that he receives equal calls in favor of the noon whistle as he does against it. He informed the Council that we could not change the tone but we may be able to adjust the ramp up time and the down time to make it shorter. Mayor Kesselus stated that the main reason he pushed for the noon whistle was to use in an emergency and also a tourist event. Ms. Gilleland said that originally she had hoped to use it for an emergency warning type however she realizes that it might be a logistical nightmare. CM Talbot stated that he was in favor of an early warning system in the City and it might be a good time to look at that with budget time coming due. Ms. Gilleland did say she has received calls from citizens asking what to do when they hear the siren. It might be a good idea to establish some procedures for that. Discussion was held and agreed to have the Utility Meeting on May 19, 2015 start at 6:00 PM.

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Members so requests.

A.1 Approval of meeting minutes held on March 10 and March 31, 2015

A.2 Approval of Bastrop Marketing Corporation's request for reimbursement of expenses

A.3 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Re-subdivision of a Portion of Lot 1 Bastrop West Commercial Section 2 for Wal-mart #1042, to create an additional commercial lot, located on Agnus Street within the City of Bastrop, Texas.

Mr. DeLaRosa made motion to approve the Consent Agenda. Ms. Gilleland seconded the motion. The motion passed unanimously.

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION: None

C. OLD BUSINESS - None

D. NEW BUSINESS

D.1 Consideration, discussion, review and possible action regarding directing the City Manager to coordinate with officials from XS Ranch to continue work on the creation of a "Public Improvement District" for Phase One of the XS Ranch Property located in the extra territorial district of the City of Bastrop, and to concurrently remove Phase One from the Municipal Utility District, so as to eliminate any potentially duplicative District fees for future residents.

CM Talbot informed Council that representatives from XS Ranch have respectfully requested that I pull this item from the Agenda tonight to allow additional time to put some things together. CM Talbot request to the Council based upon the materials you have for the presentation you received at the last council meeting regarding this issue, if you have specific questions, please get them to me so we can get all issued covered. Mayor Kesselus stated that Mr. John Landweir stated he would like to have more of a dialog and less of a legislative type of action. Mayor stated that he hoped to get it all ready for the first meeting in May (5-12-15) so we are just talking to his people and asking questions. Mayor Kesselus will be inviting the Hunters Crossing LGC Board to attend the meeting as well. Mayor would like this to be a positive thing. CM Talbot requested that the Council submit any questions, concerns to him.

D.2 Acknowledgement, acceptance and possible action on the State Highway 71 Traffic Analysis prepared by the University of Texas at Austin, Center for Transportation Research.

Wesley Brandon gave overview of the study. CM Talbot feels it is a good study. Mayor Kesselus hoped that the study might address the need for an additional traffic light on Chestnut. Discussions continued.

Willie DeLaRosa moved to accept this report. Motion seconded by Kay Garcia McAnally. Motion passed unanimously.

D.3 Consideration, discussion and possible action on the Award of Contract for a Complete Street reconstruction project including the replacement of Water and Wastewater utilities to Smith Contracting Co., for a total base bid amount of $ 841,214.00.

Trey Job explained that out of three (3) bids received on this project, Smith Contracting was the lowest bidder. He gave an overview of the scope of the project. Mr. DeLaRosa asked after award of bid, when would they start construction. Mr. Job felt like they would start within a month as Mr. Kruppa stated they were ready to go. Mr. DeLaRosa wanted to be sure that the City was coordinating with BISD on the roads around the schools. Mr. Job stated that staff was in constant contact with Henry Gideon with BISD. CM Talbot advised Council that Smith Contracting has done work for the City in the past and have always performed well. Ms. Gilleland wanted confirmation that TxDOT would not start Hwy 95 project until this property was complete, Mr. Talbot confirmed.

Mr. DeLaRosa made motion to award the bid to Smith Contacting in the amount of $ 841,214.00. Mr. Jackson seconded the motion. Passed unanimously.

D.4 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending in February 28, 2015.

Ms. Karla Stovall gave an overview of the financial standing of the City.

Dock Jackson made the motion to accept these financial statements. Ms. Gilleland seconded the motion. Motion passed unanimously.

D.5 Consideration, discussion, and possible action requesting that the City of Bastrop's Ethics Commission propose an amendment to the current Code of Ethics to provide for a process and form to identify potential Conflicts of Interest for City Officials, as that term is defined in 1.15.001 of the City's Code of Ethics.

The Mayor thanked Mr. Talbot for being able to get the addendum done on Saturday. Mayor Kesselus asked Ms. Elizabeth Lopez, City Secretary to read the caption of the item twice. She complied. CM Talbot stated that although he appreciated the nice compliment from the Mayor, he wanted him to know that the City Attorney, JC Brown came through for him and he could not have gotten the addendum prepared without her help. Mayor Kesselus told Ms. Brown that in appreciation, he would like to treat her to lunch.

Ms. McAnally addressed the Council regarding Item D.5. Ms. McAnally feels the City has a wonderful Ethics Ordinance and thanked all people who helped to get that Ordinance complete. However, she feels that the Ordinance can be improved upon to help maintain our open government policy and to help protect city officials. Ms. McAnally would like the Ethics Commission to propose an amendment to the ordinance to include a process and a form which would be completed by everyone being considered as a City Official. That would include, City Council, all City Employees, anyone acting as a city official whether employed or appointed including boards, commissions and task forces. Ms. McAnally continued to explain the purpose behind the amendment. Ms. McAnally believed this is one more step toward transparency and open government.

CM Talbot thanked Ms. McAnally and Ms. Gilleland for all their work on this. CM Talbot has a few minor changes to the form which he thinks might help to make the form process easier.

Ms. Gilleland asked Mayor Kesselus to clarify as to why Judge Duggan is still acting on the Ethics Commission when his term actually expired last year. Mayor responded by our policy he remains on the board until he is replaced.

Ms. McAnally asked that CM Talbot get the Ethics Commission moving on this right away.

Ms. McAnally made a motion that this Council instruct the City of Bastrop Ethics Commission to consider an amendment to the current Code of Ethics to provide for a process and form to identify potential conflicts of interest for City Officials as defined in 1.15.001 of the Code and I urge all Council Members to support this motion. Motion seconded by Ms. Gilleland. Motion passes unanimously.

E. EXECUTIVE SESSION

At 8:22 PM, Mayor Kesselus convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551 to discuss the following:

1. Section 551.071(1) (A) and Section 551.071(2) – Consultations with Attorney: (1) threatened, pending and/or contemplated litigation or claims, and/or (2) matters upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
2. Section 551.0-74 – City Manager – Personnel Administration

At: 10:00 PM, Mayor Kesselus reconvened the Bastrop City Council into regular session to discuss, consider and/or take any action(s) necessary related to the Executive Session noted herein.

City Manager, Mike Talbot, recommended that no action be taken as a result of executive session.

F. ADJOURN

At 10:01 PM, Mr. Jackson moved to adjourn. Motion was seconded by Ms. Gilleland and carried unanimously.

APPROVED:

~~Terry Orr~~, Mayor
KEN KESSELUS

ATTEST:

Traci Chavez, Interim City Secretary